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Attorney for Defendant:
 PRINCE THEO JOHNSON

IN THE UNITED STATES DISTRICT COURT
 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0156 MMC and CR 05-0318 MMC
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING SENTENCING
vs.)	HEARING FROM OCTOBER 1, 2008 TO
)	OCTOBER 22, 2008 NOVEMBER 12, 2008
)	
PRINCE THEO JOHNSON,)	
)	
Defendants.)	
)	

The matter is presently on this Court's calendar for judgment and sentence on October 1, 2008 at 2:30 p.m. It is herein requested that the sentencing hearing be postponed to October 22, 2008 for the following reasons. Defense counsel, after having made repeated attempts to obtain documents necessary for a full and fair sentencing hearing, has finally obtained various records. While preparing the sentencing memorandum for presentation to the court, counsel became aware *for the first time* that Defendant, Mr. Johnson, suffers from a serious mental health disorder. Defense counsel apologizes to the Court for this late revelation, but hours of face to face interviews with Mr. Johnson along with numerous telephone conferences failed to reveal this problem. While Mr. Johnson repeatedly engaged in suicide attempts, and self-mutilation, causing him to be involuntarily committed and housed in a

1 protected environment, defense counsel was never informed. Mr. Johnson is extremely stoic in his
2 presentation, presenting with an extremely flat affect, and he did not mention the various involuntary
3 commitments/hospitalizations he had endured while in custody. Indeed, it appears that the medical
4 professionals were also perplexed which accounts for the numerosity of the suicide attempts while in
5 custody.

6 What the records we have been able to obtain make clear is that Mr. Johnson suffers from
7 Major Depression with an unspecified form of Psychotic Disorder, which manifests itself with auditory
8 command hallucinations and suicidality. Apparently, he suffered from such hallucinations a month
9 before and a month after he entered his plea of guilty to the charge. It appears that he *may* have been
10 medicated during the time when counsel advised him concerning the plea and the court took the plea,
11 but further investigation is necessary to so determine. Taken completely unaware, counsel must take
12 some time to evaluate whether Mr. Johnson, indeed, understands and knowingly and voluntarily pled
13 guilty or if any other step is warranted, such as a competency evaluation, or some other evaluatory
14 process. Unfortunately, Mr. Johnson is housed at the Alameda County Jail at Santa Rita. That facility
15 has extremely limited hours for attorney visiting. Counsel will attempt to determine the depth of this
16 problem in short order.

17 As a result of the late breaking revelation, the government has graciously agreed to allow
18 counsel time to evaluate the issues presented by the news, and to stipulate to the requested continuance.

19
20 IT IS SO STIPULATED.

21
22 DATED: September 29, 2008

23 /s/

24 WILLIAM FRENTZEN
Assistant United States Attorney

25 DATED: September 29, 2008

26 /s/

27 GERI LYNN GREEN
Attorney for Prince Johnson

IT IS SO ORDERED, with the exception that the sentencing hearing is continued to November 12, 2008.

DATED: September 29, 2008


THE HON. MAXINE M. CHESNEY
United States Chief District Judge

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